

2006 SEP 28 PM 4: 05

DEP-3 REF

US PATENT & TRADEMARK
OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of

VENKITARAMAN et al.

Atty. Ref.: 620-363

Serial No. 10/531,242

Group: 1656

Filed: April 14, 2005

Examiner: Unknown

For: RAD51-BRC REPEAT CRYSTALS

* * * * *

September 27, 2006

Mail Stop 16

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REFUND REQUEST

The Office is requested to refund the undersigned's Deposit Account for the \$360.00 (Fee Code 1203) and \$250.00 (Fee Code 1202) debited to Deposit Account No. 14-1140 in the monthly statement of August 2006, copy attached. A further explanation of the noted charges is requested in the event the Patent Office continues to believe the charges were appropriately made.

The noted fees should not have been charged to the undersigned's Deposit Account since a Preliminary Amendment was filed on April 14, 2005 to cancel the originally-filed claims 1-19 and to add new claims 20-36. The noted Preliminary Amendment contains a total of seventeen (17) new claims, ten (10) of which are independent claims. The extra independent claims fees of \$1400 for the extra seven (7)

independent claims was paid as indicated in the enclosed Transmittal Letter of April 14, 2005.

Also attached is the PTO Fee Calculation Sheet obtained from the PTO IFW indicating a total of twenty-five (25) original claims as filed with ten (10) independent claims and fifteen (15) dependent claims. The attached PTO Fee Calculation Sheet also indicates a total of seventeen (17) claims after first amendment with ten (10) independent claims and seven (7) dependent claims. It appears that the Patent Office calculated the claims fees based on the original claims as filed on April 14, 2005, as opposed to the claims after first amendment which was also filed on April 14, 2005.

Accordingly, in view of the above and attached, the ~~\$360.00~~ and ~~\$250.00~~ fees charged by the Patent Office to the undersigned's Deposit Account in the attached Statement of August 2006 are believed to be in error and refund of these amounts is requested. *\$ 610.00 total refund amount*

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: *B. J. Sadoff*

B. J. Sadoff

Reg. No. 36,663

BJS:pp
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



CLAIMS ONLY							Application Number	Filing Date
							Applicant(s)	
* May be used for additional claims or amendments								
CLAIMS	AS FILED		AFTER FIRST AMENDMENT		AFTER SECOND AMENDMENT			
	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend
1							51	
2							52	
3							53	
4							54	
5							55	
6							56	
7		2					57	
8							58	
9							59	
10		2					60	
11		2					61	
12		2					62	
13							63	
14							64	
15							65	
16							66	
17							67	
18		2					68	
19		2					69	
20							70	
21							71	
22							72	
23							73	
24							74	
25							75	
26							76	
27							77	
28							78	
29							79	
30							80	
31							81	
32							82	
33							83	
34							84	
35							85	
36							86	
37							87	
38							88	
39							89	
40							90	
41							91	
42							92	
43							93	
44							94	
45							95	
46							96	
47							97	
48							98	
49							99	
50							100	
Total Indep	10		10				Total Indep	
Total Depend	15		7				Total Depend	
Total Claims	25		17				Total Claims	



PATENT APPLICATION SERIAL NO. 10/531242

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

04/19/2005 GFREY1 00000045 10531242

01 FC:1631	300.00 OP
02 FC:1633	200.00 OP
03 FC:1632	500.00 OP
04 FC:1681	250.00 OP
05 FC:1617	130.00 OP
06 FC:1614	1400.00 OP

Adjustment date: 01/12/2006 RWHITE1
04/19/2005 GFREY1 00000045 10531242
05 FC:1617 -130.00 OP

Patent Ref: 0030020114
01/12/2006

Credit Card Refund Total: \$130.00

An Exp.: XXXXXXXXXXXX2021

02/24/2006 CSMOOT 00000005 141140 10531242
01 FC:1464 130.00 DA

PTO-1556
(5/87)



Sharon



**United States
Patent and
Trademark Office**

Return To:
**USPTO
Home
Page**
**Finance
Online
Shopping
Page**

Deposit Account Statement

Requested Statement Month:

August 2006

Deposit Account Number:

141140

Name:

NIXON & VANDERHYE P.C.

Attention:

MICHELLE N. LESTER

Address:

901 NORTH GLEBE ROAD, 11TH FLOOR

City:

ARLINGTON

State:

VA

Zip:

22203-1808

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
✓ 08/01	1	10531242	620-363	1203	\$360.00	\$20,064.98
✓ 08/01	2	10531242	620-363	1202	\$250.00	\$19,814.98

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 620-363
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		US APPLICATION NO. (If known, see 37 C.F.R. 1.5) unknown
INTERNATIONAL APPLICATION NO. PCT/GB2003/004485	INTERNATIONAL FILING DATE 14 October 2003	PRIORITY DATE CLAIMED 14 October 2002
TITLE OF INVENTION RAD51-BRC REPEAT CRYSTALS		COPY
APPLICANT(S) FOR DO/EO/US VENKITARAMAN et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The U.S. has been elected (Article 31).
- A copy of the International Application as filed (35 U.S.C. 371(c)(2).
 - ☒ is attached hereto (59 pages specification, claims & abstract (19 claims), 43 sheets drawings).
 - ☒ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3)
 - ☐ is attached hereto (pages specification, claims & abstract (claims), sheets drawings, page Certificate of Translation).
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4).
 - ☐ Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).
- ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5).

Items 11 To 20 below concern document(s) or information included:

- ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
- ☒ A **FIRST** preliminary amendment.
 - ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
- ☐ An Application Data Sheet under 37 C.F.R. § 1.76.
- ☐ A substitute specification.
- ☐ A change of power of attorney and/or address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
- ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☐ Other items or information.

COPY

Mail Stop PCT

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.55) unknown		INTERNATIONAL APPLICATION NO. PCT/GB2003/004485		ATTORNEY'S DOCKET NUMBER 620-363	
21. <input checked="" type="checkbox"/> The following fees are submitted:					
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)(i))					
<input checked="" type="checkbox"/> a) Basic national fee\$300.00 (1631)/\$150.00 (2631)				\$	300.00
<input checked="" type="checkbox"/> b) Examination Fee\$200.00 (1633)/\$100.00 (2633)				\$	200.00
<input checked="" type="checkbox"/> c) Search Fee\$500.00 (1632)/\$250.00 (2632)				\$	500.00
TOTAL OF ABOVE CALCULATIONS\$1000.00/\$500.00				\$	1000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
102 -100	2 /50 =	0.04		\$250.00 (1681)	\$ 250.00
				\$125.00 (2681)	
Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).					
\$ 130.00					
CLAIMS		NUMBER FILED	# EXTRA	RATE	
Total Claims	17	minus 20 =	0 X	\$50.00 (1615)/	\$25.00 (2615)
Independent Claims	10	minus 3 =	7 X	\$200.00 (1614)	\$100.00 (2614)
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)				\$360.00 (1616)/\$180.00 (2616)	\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)					
\$ 0.00					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.					
Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).					
+ 0.00					
TOTAL NATIONAL FEE = \$ 2780.00					
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property +					
\$ 0.00					
Fee for Petition to Revive Unintentionally Abandoned Application: \$1500.00 (1453) / \$750.00 (2453)					
\$ 0.00					
TOTAL FEES ENCLOSED = \$ 2780.00					
Amount to be: refunded \$					
Charged \$					
a. <input type="checkbox"/> A check in the amount of \$2780.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.					
d. <input checked="" type="checkbox"/> CREDIT CARD PAYMENT FORM ATTACHED.					
e. <input checked="" type="checkbox"/> The entire content of International Application No. PCT/GB2003/004485 and any U.S. and foreign application(s) corresponding thereto, and GB 0223860.8, referred to in this application is/are hereby incorporated by reference in this application.					
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.					
CORRESPONDENCE ADDRESS					
Direct all correspondence to:					
<input checked="" type="checkbox"/> Customer Number: 23117					
Type Customer Number here					
Telephone: (703) 816-4000					
Fax: alb					
B. J. Sadoff					
NAME					
36.663 April 14, 2005					
REGISTRATION NUMBER Date					

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 08/01/2006



MMAY22	SALE #00000001	Mailroom Dt: 04/14/2005	141140	10531242
	01 FC:1203		360.00	DA
	02 FC:1202		250.00	DA

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 08/01/2006

MMAY22	SALE #00000001	Mailroom Dt: 04/14/2005	141140	10531242
	01 FC:1203		360.00	DA
	02 FC:1202		250.00	DA

Adjustment date: 10/04/2006 ZJUHA1
08/01/2006 MMAY22 00000001 141140 10531242
01 FC:1203 360.00 CR
02 FC:1202 250.00 CR